

**WEST VALLEY CITY
BOARD OF ADJUSTMENT
MINUTES**

March 1, 2017

The meeting was called to order at 6:00 p.m. by Necia Christensen at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS

Necia Christensen, Russell Moore, Sandy Naegle, and William Whetstone

ABSENT

Scott Spendlove

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Lehman and Brenda Turnblom

WEST VALLEY CITY LEGAL DEPARTMENT

Adrienne Bossi

AUDIENCE

Four people were in the audience.

B-1-2017
Tomlin Non-Conforming Use Determination
3908 South 3200 West
R-1-8 Zone

REQUEST

Stephanie Tomlin has filed an application with the West Valley City Board of Adjustment requesting a non-conforming use determination in order to continue keeping livestock on the property noted above.

WEST VALLEY CITY GENERAL PLAN recommends low density residential land uses.

BACKGROUND

The subject property is located at 3908 South 3200 West. It is also known as Parcel Number 15-32-430-030. The property is approximately 1.0 acres in size and is zoned R-1-7. The property is bordered on the north, west and south by single family zoning and the east by 3200 West.

This application is being presented to the Board of Adjustment at the request of the property owner. The applicant recently purchased the subject property and wants to ensure that animal rights are available as they will be bringing animals to the property. The previous owner had animals on the property until two weeks ago when they sold the property to the applicant.

The subject property was zoned A-1 at the time of the City's incorporation. By 1985, the property had been rezoned to the R-1-7 zone. At the time of incorporation, and continuing afterward, the A-1 zone did allow for the keeping of farm animals. In the early years of the City's incorporation, large areas of property were rezoned from the agriculture zone to a more traditional residential zone. However, those with animals could continue with that land use according to City ordinances.

To help verify the existence of farm animals, the applicant has submitted documentation from individuals who live in the area stating that animals have been kept on this property for many years. These letters have been attached to the analysis for your review.

The size of the property in question and that of adjacent properties is generally a historical indication that agricultural uses likely existed on this property. The aerial photographs included in the power point show that this property and those to the south are of sufficient size and appearance to reasonably assume that the keeping of animals was part of the land use on these larger properties.

In this case, there are a number of outbuildings on this property and the adjacent properties to the south as well, also an indication that agricultural uses were likely part of these properties. This property and the adjacent properties to the south are nearly 500 feet in depth and are characteristic of parcels found in the Granger farming community.

To help verify the existence of farm animals, the applicant has submitted various affidavits from nearby residents citing their recollection of animals on this property. Staff has included aerial photographs and a few pictures to help the Board in its decision.

ORDINANCE SUMMARY

Section 7-18-106(3) of the West Valley City Land Use Development and Management Act reads:

(3) Non-conforming Use of Land. A non-conforming use of land lawfully existing on the effective date of this Chapter may be continued provided such non-conforming use shall not be expanded or extended into any other open land, except as otherwise provided in this Chapter. If the non-conforming use is discontinued for a continuous period of more than one year it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

The applicant is not requesting an expansion of a non-conforming use. They are requesting a determination that the existing use, i.e., the keeping of animals, be allowed to continue on this property.

Applicant:

Stephanie Tomlin
3908 South 3200 West
West Valley City, Utah 84119

Motion: Russell Moore moved to approve B-1-2017.

Sandy Naegle seconded the motion.

Discussion: Stephanie Tomlin purchased this property 2-1/2 weeks ago. She said the seller had livestock on the property during the 14-15 years he owned it. Stephanie Tomlin would like to use the property to house small livestock animals and for gardening. Because she is new to the area, the sellers approached neighbors to provide affidavits testifying that animals have been on the property during the last 14 years and that they agree with animals continuing on the property.

Russell Moore has lived in this neighborhood for 36 years. He said animals have been on the property during this time. He noted that next door neighbors bred white rats for the University of Utah's use.

A roll call vote was taken:

Necia Christensen	Yes
Sandy Naegle	Yes
Russell Moore	Yes
William Whetstone	Yes

Motion Carries - B-1-2017 Approved – Unanimous

OTHER

Approval of January 4, 2017 Minutes – **Approved**

There being no further business, the meeting adjourned at 6:16 p.m.

Brenda Turnblom, Administrative Assistant